

filed a libel against 1,167 cases of canned tomatoes at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about October 16 and 20, 1939, by H. D. Olson from Ogden, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Nancy Jane Tomatoes Frank A. Jugler Ogden, Utah Packer & Distributor."

On December 4, 1939, H. D. Olson, claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond, conditioned that it should not be disposed of in violation of the law.

**438. Adulteration of tomato paste and canned tomatoes with puree. U. S. v. 583 Cases of Tomato Paste (and 1 other seizure action involving tomato paste and 1 involving canned tomatoes with puree). Consent decrees of condemnation. Product ordered released under bond for segregation and destruction of unfit portions.** (F. D. C. Nos. 1311, 1356, 1392. Sample Nos. 56455-D, 73376-D, 73377-D, 73378-D, 73522-D, 85615-D.)

The tomato paste contained excessive mold. The canned tomatoes with puree contained worm and insect fragments and excessive mold.

On January 9 and 17 and February 2, 1940, the United States attorney for the Southern District of New York filed libels against 888 cases of tomato paste and 1,450 cases of canned tomatoes with puree at New York, N. Y., alleging that the articles had been shipped in interstate commerce within the period from on or about November 7, 1939, to on or about January 12, 1940, by Flotill Products, Inc., in part from Stockton, Calif., and in part from San Francisco, Calif.; and charging that they were adulterated. The tomato paste was labeled in part variously: "Guglielmi Brand Italian Style \* \* \* Packed in U. S. A. For R. C. Williams & Co., Inc."; "Royal Scarlet \* \* \* R. C. Williams & Co., Inc. Distributors"; "Delia Brand \* \* \* Italian Style \* \* \* Packed in California for M. DeRosa, Inc." The canned tomatoes were labeled in part: "Pastene Fancy Italian Style Plum Tomatoes with Puree and Basil Leaf Distributed by Pastene & Co., Inc., New York—Boston—Montreal."

The tomato paste was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. The canned tomatoes with puree were alleged to be adulterated in that they consisted in whole or in part of a filthy and decomposed substance.

On February 15 and 19, 1940, Flotill Products, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the products were ordered released under bond conditioned that they be segregated according to code numbers and reexamined, and that those portions found unfit for human consumption be destroyed.

**439. Adulteration of tomato paste. U. S. v. 149 Cases, 99 Cases, and 114 Cases of Tomato Paste. Default decrees of condemnation and destruction.** (F. D. C. Nos. 1525, 1526, 1527. Sample Nos. 56478-D, 56479-D, 92377-D.)

Two lots of this product contained worm and insect fragments and excessive mold. The remaining lot contained worm and insect fragments.

On February 26, 1940, the United States attorney for the Western District of New York filed libels against 149 cases of tomato paste at Buffalo, 99 cases of tomato paste at Jamestown, and 114 cases of tomato paste at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about January 8, 1940, by Howard Terminal from Oakland, Calif.; and charging that it was adulterated in that two of the lots consisted wholly or in part of a filthy and decomposed substance, and that the remaining lot consisted wholly or in part of a filthy substance. The article was labeled in part: "Fiamma Pure Tomato Paste \* \* \* Packed by Riverbank Canning Company Riverbank, California."

On March 26, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**440. Adulteration of canned tomato catsup. U. S. v. 26 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 1208. Sample No. 83353-D.)

This product contained worm and insect fragments.

On December 19, 1939, the United States attorney for the Eastern District of Washington filed a libel against 26 cases of canned tomato catsup at Yakima, Wash., alleging that the article had been shipped in interstate commerce on or about November 3, 1938, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Val Vita Brand Tomato Catsup."